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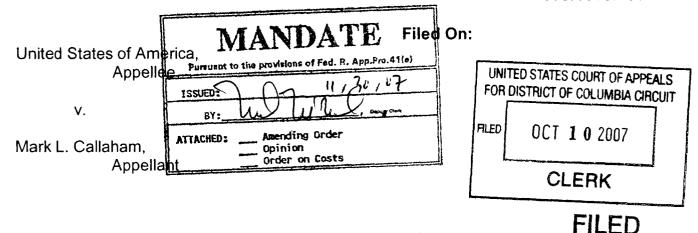
## United States Court of Appeals

FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 06-3052

## September Term, 2007

05cr00187-01



BEFORE:

Henderson, Tatel, and Kavanaugh, Circuit Judges

DEC 1 3 2007

## ORDER

NANCY MAYER WHITTINGTON, CLERK U.S. DISTRICT COURT

Upon consideration of appellant's brief, and the motion for summary affirmance, and the response thereto; it is

**ORDERED** that the motion for summary affirmance be granted. The merits of the parties' positions are so clear as to warrant summary action. <u>See Taxpayers Watchdog, Inc. v. Stanley, 819 F.2d 294, 297 (D.C. Cir. 1987) (per curiam). Appellant's counsel failed to adequately present the claim for review by making nothing more than a conclusory assertion. <u>See S.E.C. v. Banner Fund Intern., 211 F.3d 602, 613-614 (D.C. Cir. 2000).</u> Therefore appellant has failed to demonstrate that the district court's credibility determination was clearly erroneous. <u>See United States v. Broadie, 452 F.3d 875, 880 (D.C. Cir. 2006).</u></u>

Pursuant to D.C. Circuit Rule 36, this disposition will not be published. The Clerk is directed to withhold the issuance of the mandate herein until seven days after the resolution of any timely petition for rehearing or petition for rehearing en banc. See Fed. R. App. P. 41(b); D.C. Cir. Rule 41.

Per Curiam

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Deputy Cla